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ATTORNEYS FOR
West Coast Fence, Inc.

UNITED STATES BANKRUPTCY COURT
EASTERN NORTHERN DISTRICT OF CALIFORNIA
(Modesto Division)

In re:)	Case No. 10-47419-A-7
WEST COAST FENCE CO., INC.,)	CHAPTER 7
)	Date: November 15, 2010
Debtors.)	Time: 9:00 a.m.
)	Location: U.S. Bankruptcy Court
)	1200 I St., 7 th Floor
)	Sacramento, CA
)	Courtroom: 28
)	Judge: Hon. Michael McManus

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND FOR ORDER DIRECTING THE DEBTOR TO SURRENDER REAL
PROPERTY**

To Debtor South Y. Fireplace, Inc. (erroneously named as West Coast Fence Co., Inc.)
("Debtor"), Chapter 7 Trustee Gary Farrar ("Trustee"), the Office of the United States
Trustee, and all interested parties:

NOTICE IS HEREBY GIVEN that on November 15, 2010, at 9:00 a.m., before the
Hon. Michael McManus in Courtroom 28 and at the U.S. Bankruptcy Court, located at U.S.
Bankruptcy Court, 1200 I St., 7th Floor, Sacramento, CA, West Coast Fence, Inc. ("WCF" or

1 “Landlord”) will move this court for an order granting Landlord relief from the automatic stay
2 to secure and recover exclusive possession of the non-residential commercial property
3 located at 2786 Aiello Dr., San Jose, CA 95111(the “Real Property”) from the Debtor and
4 all others, asserting a right of possession to the Real Property; to prosecute the pre-petition
5 unlawful detainer action entitled West Coast Fence, Inc. v. South Y Fireplace, Inc., dba West
6 Coast Fence, Santa Clara County Superior Court Action # 1-10-CV-184542 (“UD Action”);
7 to permit Landlord to accept Debtor’s and the Trustee’s surrender of the Real Property; and
8 to exercise its rights pursuant to California Civil Code Section 1980, et seq and California
9 law relative thereto and waive the provisions of Federal Rules of Bankruptcy Procedure
10 4001 (“Motion”).

11 Relief from stay is warranted pursuant to 11 U.S.C. 362, including sections 362 (d),
12 including sections 362 (d) (1) and (2) and because Debtor and the Trustee are not paying
13 rent, have not provided proof of insurance, and are not conducting business at the Real
14 Property and as such are interfering with Landlord’s right to occupy and possess the Real
15 Property. Relief from stay is further warranted because the Trustee and the Debtor have not
16 executed a related stipulation.

17 This Motion is based on this notice, the Motion, the declaration of William J. Healy,
18 the Debtor’s schedules, and upon such further oral and documentary evidence as may be
19 presented as part of this Motion.

20 Notice is also given that if you do not appear personally or through counsel at the
21 above-described time and place, the relief prayed for in the Motion accompanying this
22 Notice may be granted by the Court.

23 Dated: October 29, 2010

CAMPEAU GOODSELL SMITH
/s/ William J. Healy
William J. Healy
Attorneys For West Coast Fence, Inc.